

ESTTA Tracking number: **ESTTA781361**

Filing date: **11/07/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Maple Leaf Sports & Entertainment Partnership
Granted to Date of previous extension	11/06/2016
Address	50 Bay Street Toronto, M5J2L2 CANADA

Attorney information	David H. Bernstein, Esq. Debevoise & Plimpton LLP 919 Third Avenue New York, NY 10022 UNITED STATES dhbernstein@debevoise.com, jfmintz@debevoise.com, trademarks@debevoise.com, tprochnow@nhl.com, klynch@nhl.com Phone:212-909-6696
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Applicant Information

Application No	86823571	Publication date	05/10/2016
Opposition Filing Date	11/07/2016	Opposition Period Ends	11/06/2016
Applicant	Calvin Broadus c/o Gerber & Co., Inc. Los Angeles, CA 90067 UNITED STATES		

Goods/Services Affected by Opposition


Class 034. First Use: 2015/11/10 First Use In Commerce: 2015/11/10 All goods and services in the class are opposed, namely: Cigarette lighters not made of precious-metals


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2651549	Application Date	07/23/2001
Registration Date	11/19/2002	Foreign Priority Date	NONE
Word Mark	LEAFS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1995/04/01 First Use In Commerce: 1995/04/01 Clothing, namely caps, jackets, shirts,sweaters, sweatshirts, t-shirts

U.S. Registration No.	2767596	Application Date	08/15/2001
Registration Date	09/23/2003	Foreign Priority Date	NONE
Word Mark	LEAFS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2001/05/22 First Use In Commerce: 2001/05/22 Entertainment services, namely providing information in the field of hockey via-the Internet		

U.S. Registration No.	2543050	Application Date	08/15/2001
Registration Date	02/26/2002	Foreign Priority Date	NONE
Word Mark	LEAFS		


Design Mark	LEAFS		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1927/11/30 First Use In Commerce: 1927/11/30 entertainment services in the nature of professional ice hockey exhibitions		

U.S. Registration No.	2484983	Application Date	07/11/2000
Registration Date	09/04/2001	Foreign Priority Date	NONE
Word Mark	MAPLE LEAFS		
Design Mark	MAPLE LEAFS		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1927/12/31 First Use In Commerce: 1927/12/31 entertainment services, namely, providing professional hockey exhibitions		


U.S. Registration No.	2397769	Application Date	10/26/1999
Registration Date	10/24/2000	Foreign Priority Date	NONE
Word Mark	MAPLE LEAFS		
Design Mark	MAPLE LEAFS		
Description of Mark	NONE		


Goods/Services	Class 025. First use: First Use: 1954/11/30 First Use In Commerce: 1954/11/30 clothing, namely, caps, jerseys, sweaters and T-shirts		
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U.S. Registration No.	2463321	Application Date	07/07/1999
Registration Date	06/26/2001	Foreign Priority Date	NONE
Word Mark	TORONTO MAPLE LEAFS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1954/11/03 First Use In Commerce: 1954/11/30 clothing, namely, caps, jerseys, sweaters and T-shirts		

U.S. Registration No.	2499468	Application Date	07/07/1999
Registration Date	10/23/2001	Foreign Priority Date	NONE
Word Mark	TORONTO MAPLE LEAFS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1954/11/30 First Use In Commerce: 1954/11/30 clothing, namely, caps, jerseys, sweaters and T-shirts		

U.S. Registration No.	1810086	Application Date	02/19/1992
Registration Date	12/07/1993	Foreign Priority Date	NONE
Word Mark	TORONTO MAPLE LEAFS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1992/08/00 First Use In Commerce: 1992/08/00 clothing; namely, jerseys, T-shirts, jackets, sweat shirts and caps

U.S. Registration No.	1378509	Application Date	05/30/1985
Registration Date	01/14/1986	Foreign Priority Date	NONE
Word Mark	TORONTO MAPLE LEAFS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1971/10/00 First Use In Commerce: 1971/10/00 ENTERTAINMENT SERVICES, NAMELY ENGAGINGIN ICE HOCKEY CON-TESTS		

U.S. Registration No.	1379672	Application Date	05/30/1985
Registration Date	01/21/1986	Foreign Priority Date	NONE
Word Mark	TORONTO MAPLE LEAFS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1927/00/00 First Use In Commerce: 1927/00/00 ENTERTAINMENT SERVICES, NAMELY ENGAGING IN ICE HOCKEY CONTESTS		

Attachments	76292178#TMSN.png(bytes) 76300828#TMSN.png(bytes) 76300829#TMSN.png(bytes) 76087851#TMSN.png(bytes) 75832452#TMSN.png(bytes) 75744693#TMSN.png(bytes) 74247471#TMSN.png(bytes) 73540484#TMSN.png(bytes) Notice of Opposition.pdf(264712 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/David H. Bernstein/
Name	David H. Bernstein, Esq.
Date	11/07/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application Serial No. 86/823,571

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MAPLE LEAF SPORTS &	:	
ENTERTAINMENT PARTNERSHIP,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. _____
	:	
CALVIN BROADUS,	:	
	:	
Applicant.	:	
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Commissioner for Trademarks
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Maple Leaf Sports & Entertainment Partnership (the “Maple Leafs”), a partnership organized under the laws of Canada with its headquarters and principal place of business at 50 Bay Street, Toronto, M5J2L2, Canada, and owner of the Toronto Maple Leafs hockey club, believes that it will be damaged by the registration of the mark LEAFS BY SNOOP plus design by Applicant Calvin Broadus (“Applicant”) and hereby opposes the same by and through its attorneys Debevoise & Plimpton LLP, based upon the following grounds:

1. The Toronto Maple Leafs hockey club has been an iconic member of the National Hockey League (the “NHL”) since the league’s inception in 1917, and, as such, is one of the NHL’s famed “Original Six” clubs. The Maple Leafs have won the Stanley Cup – the

NHL's championship trophy – fourteen times in their history. This season, the Maple Leafs are celebrating their 100th anniversary. The Maple Leafs have a large fan base throughout the United States and Canada.

2. Nearly 90 years ago, the Maple Leafs adopted as one of their key brand names the trademark LEAFS. They have used their LEAFS mark in United States commerce since 1927. The LEAFS mark reflects a highly unusual and distinctive spelling, since the plural of the English language word “leaf” is usually presented as “leaves,” not “leafs.”

3. The Maple Leafs own the rights to the trademarks LEAFS, MAPLE LEAFS, and TORONTO MAPLE LEAFS (collectively, the “LEAFS Marks”), having used these marks in commerce for many decades. These marks have become incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065. These marks include the following marks that are registered on the Principal Register:

Registration Number	Mark	Goods/Services	First Used in Commerce
2,651,549	LEAFS	Clothing; namely caps, jackets, shirts, sweaters, sweatshirts, t-shirts	April 1, 1995
2,767,596	LEAFS	Entertainment services; namely providing information in the field of hockey via the Internet	May 22, 2001
2,543,050	LEAFS	Entertainment services in the nature of professional ice hockey exhibitions	November 30, 1927
2,484,983	MAPLE LEAFS	Entertainment services; namely, providing professional hockey exhibitions	December 31, 1927
2,397,769	MAPLE LEAFS	Clothing; namely caps, jerseys, sweaters, and t-shirts	November 30, 1954
2,463,321	TORONTO MAPLE LEAFS	Clothing; namely caps, jerseys, sweaters, and T-shirts	November 30, 1954

Registration Number	Mark	Goods/Services	First Used in Commerce
2,499,468		Clothing; namely caps, jerseys, sweaters, and T-shirts	November 30, 1954
1,810,086		Clothing; namely jerseys, T-shirts, jackets, sweat shirts and caps	August 1992
1,378,509		Entertainment services, namely, engaging in ice hockey contests	October 1971
1,379,672	TORONTO MAPLE LEAFS	Entertainment services, namely engaging in ice hockey contests	1927

4. As a result of their widespread, continuous, and exclusive use of the LEAFS marks to identify their goods and services, the Maple Leafs own valid and subsisting federal statutory and common law rights to the LEAFS Marks. Significantly, the Maple Leafs' registrations are the only registrations on the Principal Register that use the unusual and distinctive spelling LEAFS.

5. The LEAFS Marks have been used in commerce throughout the United States since 1927, and have been publicized in thousands of televised hockey games, extensive media coverage and advertising via television, radio, print media, and the Internet, and sales and advertising of products in online and brick-and-mortar retail stores. With respect to the last point, millions of dollars of licensed products bearing the LEAFS Marks have been sold. These sales cover an extremely broad range of merchandise, including apparel, sporting goods, toys, games, print materials, lighters, and even food-related products like toasters and cake decorations.

6. Applicant has an address at 1880 Century Park East, Suite 200, Los Angeles, California 90067. By the application herein opposed, Applicant seeks to register the mark LEAFS BY SNOOP plus design for “cigarette lighters not made of precious metals” in International Class 34. Applicant’s application is based on alleged use in commerce since November 10, 2015, which is less than a year ago. Applicant’s use of the LEAFS BY SNOOP plus design mark (the “LEAFS BY SNOOP Mark”) first began nearly 90 years after the Maple Leafs’ first use of their LEAFS Marks.

7. The registration by Applicant of the LEAFS BY SNOOP Mark would damage the LEAFS Marks.

8. The LEAFS Marks have priority over the LEAFS BY SNOOP Mark because the use and registration dates of the LEAFS Marks predate the Applicant’s filing date and alleged date of first use, or any other date on which the Applicant may rely for purposes of priority.

9. Applicant’s proposed LEAFS BY SNOOP Mark is confusingly similar to the Maple Leafs’ LEAFS Marks. The Applicant has appropriated the entirety of the LEAFS mark in his LEAFS BY SNOOP Mark.

10. Because of the distinctiveness of the LEAFS Marks – including that they are the only registered marks that use the highly unusual spelling LEAFS – consumers are likely to be confused into believing that Applicant’s LEAFS BY SNOOP Mark comes from, or is affiliated with, or is offered with the approval or sponsorship of, Opposer.

11. The similarity between the marks is exacerbated by the design elements of the LEAFS BY SNOOP Mark. As shown below, Applicant's design mark uses a white font enclosed within a wide-shaped leaf with three large segments at the top of the mark, a design echoing and highly similar to the MAPLE LEAFS' design marks.



12. The likelihood of confusion is further exacerbated because the Maple Leafs themselves, through the NHL's licensing arm, license their LEAFS Marks for use on lighters, the exact goods covered by the application at issue here.

13. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the grounds that Applicant's proposed mark consists of or comprises a mark which so resembles the Maple Leafs' previously used and registered LEAFS Marks as to be likely, when used in connection with the alleged goods of Applicant, to cause confusion, or to cause mistake, or to deceive, with consequent injury to the Maple Leafs and the public.

WHEREFORE, Maple Leaf Sports & Entertainment Partnership believes it will be damaged by the registration by Applicant of the LEAFS BY SNOOP Mark for the goods identified in Application Serial No. 86/823,571 and respectfully requests that this Opposition be sustained, registration of said mark be denied, and that the Trademark Trial and Appeal Board grant such other and further relief as it deems just and appropriate.

Payment has been provided in the requisite amount to cover the statutory filing fee for a notice of opposition. Please debit any deficiency or credit any overpayment to Account No. 501997. All communications should be addressed to Maple Leaf Sports & Entertainment Partnership's counsel, Debevoise & Plimpton LLP, at the address stated below.

Dated: November 7, 2016
New York, New York

Respectfully submitted
DEBEVOISE & PLIMPTON LLP



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*Attorneys for Maple Leafs Sports & Entertainment
Partnership*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition has been sent via first class mail, postage prepaid, on this 7th day of November, 2016, to:

Lawrence E. Apolzon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

Attorneys for Applicant Calvin Broadus

/s/ Jennifer F. Mintz
Jennifer F. Mintz